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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of)

Applicant(s): RAJARAM, Gowri)

Serial No.: 09/970,188)

Filed: October 3, 2001)

Attorney Docket No.: UTL 00143)

FOR: System and method for field
diagnosis of wireless communications
device system software

RECEIVED

Group Art Unit: 2122

JUN 23 2004

Examiner: VO, Ted T.

OFFICE OF PETITIONS

RENEWED PETITION UNDER 37 CFR 1.78 (a)(3)

Mail Stop Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Attention:

Petitions Attorney

Dear Sir:

This renewed petition is in response to Paper No. 5, Dismissal of Petition mailed June 4, 2004, from the USPTO Office of Petitions. Attached herewith is a supplemental preliminary amendment deleting the incorporation by reference statement to nonprovisional application No 09/917,026 as pointed out to Applicant in Paper No. 5 on page 2. A surcharge under 37 CFR 1.17(t) for acceptance of an unintentionally delayed claim of benefit in the amount of \$1330.00 has already been submitted, and Paper No. 5 does not indicated that a further petition fee is required.

Applicant requests a claim for benefit to three applications all filed on the same date as follows: Application Serial No. **09/917,026** (the '026 application), filed on July 26, 2001; Application Serial No. **09/916,460** (the '460 application), filed on July 26, 2001; and Application Serial No. **09/916,900** (the '900 application), filed on July 26, 2001. Applicant request that the subject application be designated as a continuation in

part application of the '026, the '460, and the '900 applications. In addition, the subject application is related to a family of applications as indicated by the "related references" included in the accompanying preliminary amendment.

The entire delay between the date the claim was due under 37 CFR 1.78(a)(2) and the date this claim is filed was unintentional. The subject application repeats a substantial portion of the '026, the '460, and the '900 applications as evidence, for example, by the similarity of the Figures.

The subject application complies with the following formal requirements of 35 U.S.C.120 (see MPEP 201.08):

(A) The '026, the '460, and the '900 applications and the subject continuation in part application were filed with at least one common inventor, Gowri Rajaram.

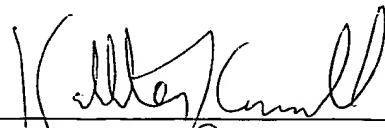
(B) The subject continuation in part application was filed before the patenting or abandonment of or termination of proceeding on the '026, the '460, and the '900 applications; and

(C) The subject continuation in part application contains or is amended to contain a specific reference to the earlier filed applications.

Please contact the undersigned attorney for Applicant should there be any questions or comments regarding this petition.

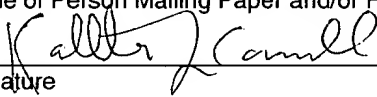
Respectfully submitted,

Dated: June 16, 2004

By: 
Kathleen L. Connell
Attorney for Applicant
Registration No. 45,344

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<u>CERTIFICATE OF MAILING</u>
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed: MS Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
Date of Deposit: <u>June 16, 2004</u>
<u>Kathleen L. Connell</u>
Name of Person Mailing Paper and/or Fee

Signature